IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 13048 of 1998(C)

PETITIONER:

K. RADHAMMA,
SENIOR ASSISTANT-IN-CHARGE,
J.B.V.L.P. SCHOOL,
KUMMANNOOR, KONNI P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
(MANAGER, J.B.V.L.P. SCHOOL, KUMMANNOOR),
CIVIL STATION,
PATHANAMTHITTA.

2. THE ASSISTANT EDUCATIONAL OFFICER,
KONNI, PATHANAMTHITTA DISTRICT.

3. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SRI. M.R.SREELATHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.13048 OF 1998

ORDER ON C.M.P.NO.22833 OF 1998 IN O.P.NO.13048 OF 1998
DISMISSED

06.09.2007 SD/-S. SIRI JAGAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF PAGE 3 OF PETITIONER'S S.S.L.C. BOOK.

EXT.P2: PHOTOCOPY OF PETITIONER'S APPOINTMENT ORDER DATED 20.06.1983.

EXT.P3: TRUE COPY OF G.O.(RT)NO.799/93/G.EDN. DT. 22.2.1993.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

O.P.NO. 13048 OF 1998

DATED THIS THE 6th DAY OF SEPTEMBER, 2007

JUDGMENT

The petitioner filed this writ petition while she was working as senior most teacher of J.B.V. L.P.School, Kumannoor, claiming promotion as Headmistress with effect from 1.4.98. At the relevant time, the management of the school was taken over by the Government and the 1st respondent was acting as the Manager of the school. Earlier this Court had passed an interim order to the followingt effect.

> "Counsel for the petitioner brought to my knowledge the interim order passed on C.M.P.No.9863/96 in O.P.No.5663/96 whereby the previous senior most Assistant in charge was posted as Headmistress. It was pointed out that unless the petitioner is also given the said benefit, it would cause considerable prejudice to her. Under such circumstances, there will be an interim direction to the respondents to promote the petitioner provisionally as Headmistress of the school subject to further orders.

The petitioner has since retired from service. The entitlement of the petitioner for promotion is not disputed before me. In the above circumstances, the writ petition is disposed of directing that the provisional promotion granted to the petitioner pursuant to the interim

order dated 24.7.98 would be construed as regular promotion and the petitioner's retirement benefits would be recalculated and balance amounts if any, due to the petitioner either by way of remuneration or retirement benefits shall be paid accordingly. The orders in this regard shall be passed within a period of two months from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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